

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

Philip Wolfe,

Plaintiff,

v.

**CITY OF PORTLAND, a municipal
corporation, LISA TURLEY, and
MICHAEL REESE, individuals,**

Defendants.

No. 3:12-cv-02035-PK

OPINION AND ORDER

MOSMAN, J.,

On October 2, 2013, Magistrate Judge Papak issued his Findings and Recommendation (“F&R”) [40] in the above-captioned case, recommending that Plaintiff’s motion for attorney’s fees [20] and bill of costs [25] be granted in part and the Defendant City be ordered to pay attorney’s fees in the amount of \$23,399.60 and costs in the amount of \$865.00. Plaintiff Philip Wolfe raised several objections to the F&R [42], and Defendant City responded [43].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. I am not bound by the recommendations of the magistrate judge; instead,

I retain responsibility for making the final determination. I am required to review de novo those portions of the report or any specified findings or recommendations within it as to which an objection is made. 28 U.S.C. § 636(b)(1). However, I am not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no party has objected. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny I am required to apply to the F&R depends on whether objections have been filed, in either case I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1).

Upon review, I agree with Judge Papak's recommendation, and I ADOPT the F&R [40] as my own opinion.

IT IS SO ORDERED.

Dated this 8th day of November, 2013.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge